

Pursuant to the 9th court's ruling as it concerns allowing access to other services into the cable networks. We feel it is of great concern to the further proliferation of broadband expansion to allow and insure that every American has adequate and fast access to the internet, but can do so without fear of being limited to a monopoly. Offering consumers choice is equally as important where it concerns broadband internet services. By allowing incumbent virtual monopolies, ie., Cable Companies to operate and offer services limits a consumers choice, and stifles competition. Allowing access to these networks for competitive services what fosters both expansion and economic growth.

The Telecommunications Act of 1996 opened the door for just such competition and expansion in the realm of the internet. By requiring telecommunications companies to sell access to their networks so that other competing services might re-sell said access to the consumer gave the consumer choice. In giving the consumer a choice, prices fell while multiple companies sprung up. all offering similar services in direct competition to one another. While the telecommunications companies benefited in the net gain caused by larger services being purchased by ISP's, ISP's sought to, and did so build the internet as we know it today. These "ISP's" were and many of them still are, private businesses, entrepreneurs, and private individuals who have continually sought to "Bridge the Digital Divide" as it were. They did so, without government backing, grants, or other such hand outs or protection. They did so of their own accord, with their own funds, and tireless work. The Telecommunications Act of 1996 helped insure that they achieved their goal, and the ultimate goal of the act itself. In the end, consumers won. If not for the Telco Act of 96' telecommunications companies would likely have dominated the internet landscape. Prices would be several times what they are today, and services would not be readily available, advanced or as widely spread across the US as they are today. Technologies would have advanced only as far as the monopoly felt it would have needed to advance based not on competition driving the market forces, but the monopolies bottom line. Consumers would have lost.

In our eyes, allowing cable operators to remain as monopolies will further undo any consumer advantages in the common marketplace. Incumbent cable operators have the ability to force other businesses out of business by reducing prices, or price fixing/gouging, as well as offering services that other suppliers cannot thus limiting consumer choice to zero. Cable operators for the most part operate networks that are either funded, subsidized, or in part accommodated by local, state and federal governments. "Right of Ways", are typically limited to, and grandfathered in price for incumbent cable operators. Most communities negotiate and limit their franchise to a single cable operator, again, putting consumer choice at zero. Without a level playing field for competitive services, there is no way to insure that a consumer will have both choice, or broadband.

Our business was started shortly after the Telecommunications Act of 1996. That act gave us what we needed to be able to start a business on a level playing field. The act gave us the opportunity to provide competitive services, a CHOICE, to consumers. That act gave us the power to REDUCE COST to consumers. That act helped to

BUILD what is now the Internet as we know it today!

The FCC needs to seriously look at the harm that their actions have done and are doing to our business and any other business private or public that is closed out of places where incumbent cable operators reign freely. More importantly the FCC needs to take a serious look at what this is doing, and continues to do to the consumer who has seen cable rates go from under \$30/mo. for internet to over \$70/mo. in many cases. These rates have increased as the cable operators have been able to push competitive services out of their markets.

In the end, the FCC is saying to the the consumer "you lose."

Thank you for your time.
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